

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Adam Randolph Powell,  
Plaintiff,

v.

Jeff Lynch, et al.,  
Defendants.

No. 2:23-cv-00875-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.

On January 12, 2024, the Magistrate Judge filed findings and recommendations, which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]

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1 court . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED as follows:

4 1. The findings and recommendations filed January 12, 2024, ECF No. 17,  
5 are adopted in full.

6 2. This action shall proceed on Plaintiff’s complaint, ECF No. 1, as to  
7 Plaintiff’s Eighth Amendment safety claim against Defendants Moirara and Lively.

8 3. Plaintiff’s claims against Defendant Lynch are DISMISSED for failure to  
9 state a claim.

10 4. The Clerk of the Court is directed to terminate Lynch as a defendant to this  
11 action.

12 5. This matter is referred back to the assigned Magistrate Judge for further  
13 proceedings.

14 DATED: April 3, 2024.

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17 CHIEF UNITED STATES DISTRICT JUDGE  
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